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*Attorney for Defendant
Frito-Lay North America, Inc.*

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MARKUS WILSON and DOUG
CAMPEN, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

FRITO-LAY NORTH AMERICA, INC.,

Defendant.

Case No. 3:12-cv-01586-SC

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING RELIEF FROM
CURRENT SCHEDULE AND
EXTENSION OF TIME FOR
DEADLINES IN SCHEDULE**

Judge: Hon. Samuel Conti
Action Filed: March 29, 2012

STIPULATION AND ~~PROPOSED~~ ORDER REGARDING CASE SCHEDULE

The parties, through their undersigned counsel, hereby stipulate and agree as follows:

WHEREAS, on March 13, 2015, Plaintiffs filed a Motion for Class Certification, for Appointment of Class Representatives, and for Appointment of Class Counsel (“Motion for Class Certification”) (Dkt. No. 118-3);

WHEREAS, on April 9, 2015, this Court entered a Stipulation and Order Extending the Deadline to Depose Experts, setting the deadline for Frito-Lay to depose Plaintiffs’ experts as May 22, 2015 (Dkt. No. 130);

WHEREAS, on April 24, 2015, Plaintiffs filed a Motion to Stay Pending the Ninth Circuit’s Resolution of *Jones v. ConAgra Foods, Inc.* (“Motion to Stay”) (Dkt. No. 136);

STIPULATION AND [PROPOSED] ORDER REGARDING EXTENSION OF TIME FOR DEADLINES
IN SCHEDULE
Case No. CV12-01586 - SC

WHEREAS, Plaintiffs declined to make their experts available for deposition until the Court rules on the Motion to Stay; and

WHEREAS Frito-Lay would be prejudiced by being required to respond to Plaintiffs' Motion for Class Certification without deposing Plaintiffs' experts;

The parties hereby STIPULATE and AGREE, subject to the Court's approval, that the current deadlines regarding expert depositions and briefing on Plaintiffs' Class Certification Motion be extended, and that, if the Court does not grant Plaintiffs' Motion to Stay with respect to the class certification briefing, the parties will be bound by the following schedule:

Deposition of Plaintiffs' Class Certification Expert(s) (if any) by	45 days after ruling on the Motion to Stay
Date for Frito-Lay's Class Certification Expert(s) Disclosure(s), Including Reports (if any)	21 days after deadline to depose Plaintiffs' Class Certification Expert(s)
Date for Frito-Lay's Opposition to Plaintiffs' Class Certification Motion	21 days after deadline to depose Plaintiffs' Class Certification Expert(s)
Deposition of Frito-Lay's Class Certification Expert(s) (if any) by	21 days after deadline to file Frito-Lay's Opposition to Plaintiffs' Motion for Class Certification
Date for Plaintiffs' Reply in Support of Class Certification	21 days after deadline to depose Frito-Lay's Class Certification Expert(s)
Class Certification Hearing	To be determined November 13, 2015

at 10:00 AM

IT IS SO STIPULATED.

Dated: May 28, 2015

Dated: May 28, 2015

/s/ David McMullan, Jr.

David McMullan, Jr. (*pro hac vice*)
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/s/ Andrew S. Tulumello

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In accordance with N.D. Cal. Local Rule 5-1, Andrew S. Tulumello attests that David McMullan, Jr. has consented to the filing of this document.

/s/ Andrew S. Tulumello

IT IS SO ORDERED, this the 18 day of June 2015.



Hon. Samuel Conti
United States District Judge
Northern District of California